

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TNB:FP18993	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000664	International Filing Date (day/month/year) 31 May 2003	Priority Date (day/month/year) 31 May 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ B28C 5/42, B29C 45/14, B29D 23/00		
Applicant KHOURI, Anthony et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of 32 sheet(s).
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 24 December 2003	Date of completion of the report 7 September 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JOHN DEUIS Telephone No. (02) 6283 2146

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages , as originally filed,
pages , filed with the demand,
pages 1-20 received on 28 May 2004 with the letter of 28 May 2004
- ☒ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 21-29 received on 28 May 2004 with the letter of 28 May 2004
- ☒ the drawings, pages , as originally filed,
pages , filed with the demand,
pages 1/2-2/2 received on 28 May 2004 with the letter of 28 May 2004
- ☐ the sequence listing part of the description:
pages , as originally filed
pages ; filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 34, 44.

because:

☒ the said international application, or the said claims Nos. 34, 44 relate to the following subject matter which does not require an international preliminary examination (*specify*):

Claim 34 relates to a method of making a concrete drum comprising a mould having a recess to form a blade; locating a reinforcing member in the recess; and flowing polymeric fluid in the recess and surrounding the reinforcing member.

Claim 44 relates to an element comprising a helical polymeric shell and a polymeric blade integrally formed with and extending from the shell.

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 34, 44

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-33, 35-43	YES
	Claims	NO
Inventive step (IS)	Claims 1-33, 35-43	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-33, 35-43	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

None of the individual citations disclose all the essential features as claimed. Claims 1-33, 35-43 are novel and involve an inventive step.

The invention is directed to a method of constructing a plastic fabricated concrete mixing drum wherein, the method includes the use of inner and outer moulds, each made up of separate mould parts which are divided along a helical line, thereby allowing formation of a drum between the two complementary mould parts.

The closest art found was:
WO 2001026871 A (KHOURI A)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box 1 Item 5

The amendment submitted with the letter of the 28 May 2004 causes the subject matter of the application to be extended beyond the content of the application as originally filed. Therefore, it is contrary to the PCT Articles. The amendment in question relates specifically to claims 34, 44.

The subject matter of the invention is assessed as being related to a method of manufacture of a vehicle mounted rotary concrete mixing drum comprising the steps of fitting an inner and outer moulds each made up from separate mould parts which are divided along two helical lines thereby to form a drum wall from the complementary mould parts.